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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 vs.

16 TOTAL WEALTH MANAGEMENT, INC.
and JACOB KEITH COOPER,

17 Defendants.
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Case No. **'15CV0226 BAS DHB**

**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
EX PARTE APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER AND
ORDERS (1) FREEZING
ASSETS; (2) PROHIBITING
THE DESTRUCTION OF
DOCUMENTS; (3) GRANTING
EXPEDITED DISCOVERY; (4)
REQUIRING ACCOUNTINGS;
(5) APPOINTING A
TEMPORARY RECEIVER,
AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION AND
APPOINTMENT OF A
PERMANENT RECEIVER**

23 Under Rule 65(b) of the Federal Rules of Civil Procedure, Plaintiff
24 Securities and Exchange Commission ("SEC") respectfully seeks emergency relief
25 with this application (the "TRO Application") because of the ongoing nature of the
26 Defendants' fraudulent conduct and the danger that the Defendants will further
27 dissipate investor funds.
28

1 With this ex parte TRO Application, the SEC requests that the Court issue a
2 temporary restraining order to stop the ongoing fraudulent conduct of Defendants
3 Jacob Keith Cooper (“Cooper”) and Total Wealth Management, Inc. (“Total
4 Wealth”). The SEC asks the Court to temporarily enjoin Defendants Total Wealth
5 and Cooper from violating Sections 206(1), 206(2), 206(4) and of the Investment
6 Advisers Act of 1940 (“Advisers Act”), 15 U.S.C. §§ 80b-6(1), (2), and (4), and
7 Rule 206(4)-8 thereunder, 17 C.F.R. § 275.206(4)-8.

8 The SEC furthers requests that the Court freeze the assets of the Defendants
9 Total Wealth and Cooper, and Total Wealth’s subsidiaries and affiliates. The SEC
10 requests the asset freeze to prevent dissipation and preserve the status quo.

11 In addition, the SEC requests the Court to issue orders prohibiting the
12 destruction of documents, granting expedited discovery, and requiring an
13 accounting.

14 The SEC further requests that the Court appoint a receiver over Defendant
15 Total Wealth, and its subsidiaries and affiliates, including but not limited to Altus
16 Capital Management, LLC, to take control of all assets, prevent dissipation, and
17 preserve the status quo pending a hearing on the preliminary injunction.

18 Finally, the SEC requests an order to show cause why a preliminary
19 injunction should not be granted against Defendants and why a permanent receiver
20 should not be appointed.

21 The TRO Application is based on the SEC’s Complaint, and the
22 accompanying Memorandum of Points and Authorities, supporting declarations
23 and exhibits, and such other evidence and argument as the Court may receive and
24 permit.

25 The SEC has provided notice of this filing to counsel for Defendants Total
26 Wealth and Cooper. Defendants are represented by Charles H. Field of the law
27 firm Chapin Fitzgerald Knaier LLP, 550 West C Street, Suite 2000, San Diego CA
28 92101. The firm’s telephone number is (619) 241-4813. Mr. Field’s email address

1 is cfield@cftriallawyers.com.

2 The SEC is proceeding *ex parte* because the allegedly fraudulent activities of
3 the Defendants are ongoing, and because of the risk of dissipation of the assets of
4 Defendants if this matter is heard as a normally noticed motion.

5
6 Dated: February 3, 2015

Respectfully submitted,

7 /s/ David J. Van Havermaat

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John B. Bulgozdy
9 David J. Van Havermaat
10 Carol Lally
11 Attorneys for Plaintiff
12 Securities and Exchange Commission
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1 **PROOF OF SERVICE**

2 I am over the age of 18 years and not a party to this action. My business address is:

3 [X] U.S. SECURITIES AND EXCHANGE COMMISSION, 444 S. Flower Street,
4 Suite 900, Los Angeles, California 90071-9591
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1905.

5 On February 4, 2015, I caused to be served the document entitled
6 **PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S *EX PARTE***
7 **APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND**
8 **ORDERS (1) FREEZING ASSETS; (2) PROHIBITING THE DESTRUCTION**
9 **OF DOCUMENTS; (3) GRANTING EXPEDITED DISCOVERY; (4)**
REQUIRING ACCOUNTINGS; (5) APPOINTING A TEMPORARY
RECEIVER, AND ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION AND APPOINTMENT OF A PERMANENT RECEIVER on all
the parties to this action addressed as stated on the attached service list:

10 [] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for
11 collection and mailing today following ordinary business practices. I am
12 readily familiar with this agency's practice for collection and processing of
correspondence for mailing; such correspondence would be deposited with the
U.S. Postal Service on the same day in the ordinary course of business.

13 [] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s),
14 which I personally deposited with the U.S. Postal Service. Each such
envelope was deposited with the U.S. Postal Service at Los Angeles,
California, with first class postage thereon fully prepaid.

15 [] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility
16 regularly maintained at the U.S. Postal Service for receipt of Express
Mail at Los Angeles, California, with Express Mail postage paid.

17 [] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the
18 office of the addressee as stated on the attached service list.

19 [] **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated
20 by United Parcel Service ("UPS") with delivery fees paid or provided for,
which I deposited in a facility regularly maintained by UPS or delivered to a
UPS courier, at Los Angeles, California.

21 [X] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to
22 the electronic mail address as stated on the attached service list.

23 [X] **E-FILING:** By causing the document to be electronically filed via the Court's
24 CM/ECF system, which effects electronic service on counsel who are
registered with the CM/ECF system.

25 [] **FAX:** By transmitting the document by facsimile transmission. The
26 transmission was reported as complete and without error.

27 I declare under penalty of perjury that the foregoing is true and correct.

28 Date: February 4, 2015

/s/ David J. VanHavermaat
David J. VanHavermaat

SEC v. Total Wealth Management, Inc., et al.
United States District Court – Southern District of California

SERVICE LIST

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